

Votes of the Board of Environmental Protection: Regular Agenda Items Calendar Year 2004

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littlefield	*Vacant	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>MARCH 4, 2004</u>	Y	--	Y	Y		Y	Y	Y	--	Y
[1] Chapter 850 - motion to post to 30-day written comment / deadline April 15, 2004										
[2] Chapter(s) 100, Definitions and 137, Emission Statements - motion to post amendments to public hearing on April 15, 2004	Y	--	Y	N		Y	Y	Y	--	Y
<u>MARCH 18, 2004</u>	Y	Y	N	N		--	--	Y	Y	A
[1] China Lake / Water Level - motion to deny the request of Albert Althenn to reconsider the Board's January 15 th decision.										
<u>APRIL 1, 2004</u>	Y	Y	Y	Y		Y	Y	Y	Y	Y
[1] Chapter 124, Total Reduced Sulfur Control – motion to adopt as presented										
[2] Chapter 155, Portable Fuel Container Spillage Control - motion to post to 30-day written public comment	Y	Y	Y	Y		Y	Y	Y	Y	Y
[3] Maine Yankee Property Tax Exemption - motion not to assume jurisdiction of the application and approve the draft order as presented	Y	N	Y	Y		Y	Y	Y	Y	Y
[4] FPL Energy / Flagstaff Storage Project - motion to direct Department staff to draft an order to deny without prejudice the 401 water quality certification	Y	Y	Y	N		Y	--	--	Y	Y

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***Note: Change to Board membership**

	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littelfield	Donald Guimond	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>MAY 6, 2004</u>	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
[1] National Electrical Manufacturers Association (NEMA) – motion to deny the appeal and affirm DEP’s denial for exemption on sale of mercury thermostats										
[2] Chapter 425, Asbestos Mgmt. Regulations - motion to adopt amendments	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
[3] Chapter 152, VOC Emissions Control from Consumer Products – motion to post to public hearing on June 17, 2004	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
[4] Chapter 596, Overboard Discharges / Licensing & Abandonment – motion to post to public hearing on July 1, 2004	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
[5] Chapter 594, State Contribution to OBD Replacement Projects Lake – motion to post to public hearing on July 1, 2004	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
[6] 2004 Small Community Grant Program / Priority List – motion to approve priority list as presented	Y	--	Y	Y	A	Y	Y	Y	Y	Y
[7] Chapter 127, New Motor Vehicle Emission Standards – motion to deny petition to amend (exemption Volkswagen TDI)	Y	--	Y	N	N	Y	Y	N	Y	Y
[5] Chapter 148, Smaller Scale Electric Generating Resources – motion to post new rule to public hearing on June 17, 2004	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
<u>MAY 20, 2004</u>	Y	Y	Y	Y	Y	Y	Y	--	Y	Y
[1] ENPRO Services - motion to approve the draft renewal license										
[2] IFW / Mere Point Boat Ramp - motion to affirm the Fifth Procedural Order finding sufficient title, right and interest.	Y	N	Y	N	Y	Y	Y	--	Y	Y

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<u>JUNE 3, 2004</u>	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
[1] Chapter 155, Portable Fuel Container Spillage Control / Amendment - motion to adopt as presented										
[2] Chapter 355, Coastal Sand Dune Rules / Amendments - motion to adopt with modification to include April 1, 2006 sunset provision expiration date.	Y	--	N	N	A	Y	A	Y	Y	A
[3] Anne S. Hannum / Remand – motion to approve the draft order denying the application of Anne S. Hannum for construction of private recreational dock.	N	--	Y	Y	A	Y	A	Y	A	A
[4] Town of Wiscasset / Airport - motion to deny the petition for Board jurisdiction over the application to construct a taxiway extension and hangars.	Y	--	Y	Y	Y	Y	Y	Y	Y	Y

<u>JUNE 17, 2004</u>	Y	Y	Y	Y	Y	--	Y	Y	--	Y
[1] Chapter 130, Solvent Cleaners / New - motion to adopt and include changes on Errata sheet dated June 16, 2004.										
[2] Chapter 100 Definitions Chapter 137, Emission Statements / Amendments - motion to adopt amendments as proposed by staff.	N	Y	Y	Y	Y	Y	A	Y	--	Y
[3] Linda & Vito Couch / Denial of after-the-fact NRPA Application / Appeal – motion to affirm the Commissioner's decision incorporating all findings and conditions in Order L-21602-2A-A-N and deny the appeal.	Y	Y	Y	Y	Y	Y	N	Y	--	Y

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Vacant	Donald Guimond	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>JULY 1, 2004</u>	Y	Y	Y		Y	Y	Y	Y	Y	--
[1] Chapter 850 - motion to adopt amendments to Chapter 850, Identification of Hazardous Wastes.										
[2] Chapter 500 / 502 - motion to post to public hearing on August 19, 2004 Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams.	Y	Y	N		Y	Y	Y	Y	Y	--
[3] Daniel H. Staples - motion to grant appeal submitted by E. Vaughn & Carol Deal and deny an after-the-fact permit approval for construction of commercial wharf and bait shed in Cushing (motion failed by evenly divided vote which affirms the Commissioner decision and grants approval for the after-the-fact permit)	N	N	Y		N	N	Y	Y	Y	--

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Vacant	Donald Guimond	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>JULY 15, 2004</u>	Y	--	Y		Y	Y	Y	--	Y	Y
[1] Chapter 424 – motion to post Chapter 424, Lead Management Regulation amendments to written public comment establishing August 20, 2004 as the deadline for comments.	Y	--	Y		Y	Y	Y	--	Y	Y
[2] Chapter 148 – motion to adopt new Chapter 148, Emissions from Smaller Scale Electric Generating Resources	Y	--	Y		Y	Y	Y	--	Y	Y
[3] FPL Energy Maine Hydro / Flagstaff Storage Project – motion to approve draft order granting appeal of Maine Rivers, Trout Unlimited, Appalachian Mountain Club and Natural Resources Council of Maine denying without prejudice the application of FPL for water quality certification of the Flagstaff Storage Project.	Y	--	Y		A	Y	A	--	Y	Y
[4] State Planning Office / West Old Town Landfill – motion to affirm presiding officer's ruling that We the People and Mr. Paul C. Schroeder have standing and that We the People timely filed their appeal of the license issued by the Department.	--	--	Y		Y	Y	Y	--	Y	Y
[4] State Planning Office / West Old Town Landfill – motion to affirm the presiding officer's ruling that supplemental evidence, Pine Tree Landfill Facility Customer Profile Detail Report 4/04 does not meet the criteria and is not admissible.	--	--	N		Y	Y	Y	--	Y	N
[5] State Planning Office / West Old Town Landfill – motion to adopt the draft proposed order denying the request for a public hearing	--	--	N		Y	N	Y	--	Y	Y

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Vacant	Donald Guimond	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>AUGUST 5, 2004</u> [1] Chapter 151 – motion to post Chapter 151, Architectural and Industrial Maintenance Coatings to hearing on 9/16	Y	Y	Y		Y	--	Y	Y	Y	--
<u>AUGUST 19, 2004</u> [1] Chapter 152 – motion to adopt new Chapter 152, Control of Emissions of Volatile Organic Compounds from Consumer Products	Y	Y	Y		--	Y	Y	Y	--	Y
[2] Great Lakes Hydro / Ragged & Seboomook Storage Project – motion to conduct a Use Attainability Analysis for Ragged and Seboomook Lakes -- public hearing October 7, 2004 in Bangor	Y	Y	Y		--	Y	Y	Y	--	y
[3] David Lash / Private Recreational Dock – removed from consideration / no vote taken – to be rescheduled for future regular meeting										

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Vacant	Donald Guimond	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>SEPTEMBER 2, 2004</u>	Y	Y	Y		Y	--	Y	--	--	Y
[1] Evergreen Wind Power Farm – motion to table and direct Department staff to modify draft proposed Board Order modifying pre-construction language										
[2] Chapter 127 – motion to post two separate public hearing on amendments to Chapter 127, New Motor Vehicle Emission Standards (1) Heavy-Duty Diesel and (2) Zero Emission Vehicle Program on October 7, 2004	Y	Y	Y		Y	--	Y	--	--	Y
<u>SEPTEMBER 16, 2004</u>	Y	Y	Y		Y	Y	Y	Y	--	Y
[1] UAA / Ragged & Seboomook / GLHA Hydro Project – motion to grant intervenor status to FPL Energy, Maine Rivers, Trout Unlimited and Natural Resources Council of Maine										
[2] IFW / Boar Ramp at Mere Point – motion to post to public hearing on November 17 and 18 in Brunswick	Y	Y	Y		Y	Y	Y	Y	--	Y
[3] Evergreen Wind Power – motion to approve the revised Board Order that denies the appeal of Maine Audubon and affirms the Commissioner's decision to approve construction of a wind power facility in Mars Hill amended to include pre-construction and pre-operation data submittal to the Department prior to operation.	Y	Y	Y		Y	A	Y	A	--	Y

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<u>OCTOBER 7, 2004</u>	Y	Y	Y		Y	Y	Y	Y	Y	Y
[1] Chapter 596 – motion to adopt amendments to Chapter 596, Overboard Discharges as presented										
[2] David Lash / private recreational dock – motion to deny the appeal by Kent A. Creamer, Thomas and Geraldine Creamer and affirm the Commissioner's acceptance of the PBR for construction of pile supported pier on Medomak River	Y	--	Y		Y	Y	Y	N	Y	Y
<u>OCTOBER 21, 2004</u>	--	Y	N		Y	Y	Y	Y	Y	Y
[1] State Planning Office / West Old Town Landfill – motion to deny the appeal by We the People and Paul Schroeder and affirm the Commissioner's decision										

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Vacant	Donald Guimond	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>NOVEMBER 4, 2004</u>	Y	Y	Y		Y	Y	Y	Y	Y	--
[1] Town of Pittsfield / appeal – motion to deny appeal submitted by the Town of Pittsfield and affirm the Commissioner’s decision which established certain effluent limitations and monitoring requirements /dilutions.										
[2] CHAPTER 424 / LEAD MANAGEMENT RULES – motion to adopt amendments as presented	Y	Y	Y		Y	Y	Y	Y	Y	--
[3] Chapter 594, State Contribution to Overboard Discharge Replacement Projects – motion to adopt amendments as presented.	Y	Y	Y		Y	Y	Y	Y	Y	--
[4] Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Lakes Most at Risk - motion to provisionally adopt amendments.	Y	Y	Y		Y	Y	Y	Y	Y	--
[5] Chapter 532, Large Commercial Passenger Vessels / New – motion to post to written public comment as presented.	Y	Y	Y		Y	Y	Y	Y	Y	--
<u>NOVEMBER 17, 2004</u>	Y	Y	Y		Y	Y	Y	Y	Y	Y
[1] Use Attainability Analysis for Ragged and Seboomook Lakes / GLHA Hydro Storage Project – motion to approve order recommending that Legislature adopt a subcategory of designated use for the lakes allowing annual drawdowns of up to 20 feet for Ragged Lake and 17 feet for Seboomook Lake.										

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Vacant	Donald Guimond	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>DECEMBER 2, 2004</u>	Y	Y	Y		--	Y	Y	Y	Y	Y
[1] Shannon Pease / commercial wharf construction - motion to deny the appeal submitted by Mr. Young and Mr. Garcia, affirm the Commissioner's approval (L-17413-4E-C-N) for construction of a commercial wharf in Cushing.										
[2] Chapter 305, Permit By Rule Standards / Amendment - motion to post to public hearing on January 6, 2005.	Y	Y	Y		--	Y	--	Y	Y	Y
[3] Chapter 151, Architectural and Industrial Maintenance Coatings / New - motion to adopt new rule as presented	Y	Y	Y		--	Y	--	Y	Y	Y
[4] Chapter 127, New Motor Vehicle Emission Standards Regulation / Amendment California Heavy Duty Diesel Engine Vehicle Emission Standards - motion to adopt amendments to the rule as presented.	Y	Y	Y		--	Y	--	Y	Y	Y
[5] Chapter 127, New Motor Vehicle Emission Standards Regulation / Amendment Zero Emission Vehicle Program - motion to provisionally adopt as presented.	Y	Y	Y		--	Y	--	Y	Y	Y

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